

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

<u>DAWNETTE KATHLEEN GUERRERO</u>	§	CASE NO. 5:23-cv-00032-OLG-RBF
PLAINTIFF/PETITIONER	§	
	§	
V.	§	
	§	
CITY OF SAN ANTONIO, MAYOR RON	§	
NIRENBERG, SAN ANTONIO POLICE	§	JURY TRIAL
DEPARTMENT, CHIEF WILLIAM	§	
McMANUS, DET. GINA MENDEZ #2015,	§	
G. MORALES #2132, DET GEORGE	§	
SILVA #2473, SERRANO #1741,	§	
SMARRO #483, NUMEROUS OTHER	§	
SAN ANTONIO POLICE OFFICERS,	§	
BEXAR COUNTY, TEXAS BY AND	§	
THROUGH ITS AGENT THE BEXAR	§	
COUNTY DISTRICT ATTORNEY'S	§	
<u>OFFICE JOE GONZALES</u>	§	
DEFENDANTS/RESPONDENTS	§	

**MOTION FOR COURT ORDER OF ABEYANCE ON THIS CASE PENDING RULING
OF PLAINTIFF'S OBJECTION TO REPORT AND RECOMMENDATION BY
MAGISTRATE JUDGE RICHARD B. FARRER**

To the Honorable United States District Judge Orlando Garcia:

Before the Court comes Plaintiff Dawnette Kathleen Guerrero (Guerrero), requesting Court Order of Abeyance on this case pending ruling of Plaintiff's Objection to Report and Recommendation by Magistrate Judge Richard B. Farrer. Plaintiff Guerrero seeks this abeyance on the fact that in the Report and Recommendation by Magistrate Judge Richard B. Farrer, page 7 para 1, within (21) days of the date of thisThe Amended Complaint should state only her claim for malicious prosecution and name only those defendants that could be held liable for that claim, as directed above. Per FRCP, Rule 15 (a) (1) (A) 21 days after serving it, or....

The first discrepancy is that Magistrate Judge Richard B. Farrer's (21) day count would begin on April 3, 2023 date Magistrate Judge Farrer signed such report. Rule 15, date of service would begin April 6, 2023 when Plaintiff Guerrero received service via CMRR, by United States Post Office.

Second discrepancy is that Plaintiff is being ordered to Amend Complaint limiting it to the scope of "Malicious Prosecution" only. Plaintiff Guerrero Objected to this limited scope in her Objection to Magistrate Judge Farrer's Report and Recommendation and Opposed to the Dismissal of her initial Complaint and exhibits, as well as the Order to Show Cause. Plaintiff Guerrero will reiterate the importance of these documents, specifically since there are multiple other areas of concern of criminal activity on behalf of Defendants that warrant some investigation as to the integrity of the CRIMINAL JUSTICE SYSTEM on behalf of every citizen in Bexar County.

There will be no certificate of service as this case has not been served on any of the Defendants at this time.

Plaintiff Guerrero prays that this court will grant this Order of Abeyance.

I declare, under penalty of perjury under the laws of the United State of America, that the foregoing is true and correct.

Executed on this 24th day of April, 2023.

/S/
Dawnette Kathleen Guerrero
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San Antonio, TX 78222
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ORDER OF ABEYANCE ON THIS CASE
PENDING RULING OF PLAINTIFF'S OBJECTION TO REPORT AND
RECOMMENDATION BY MAGISTRATE JUDGE RICHARD B. FARRERA

_____ GRANTED

_____ DENIED

IT IS SO ORDERED

SIGNED THIS _____ day of _____ 2023

ORLANDO GARCIA
UNITED STATES DISTRICT JUDGE